Public Law 96-86
96th Congress

Joint Resolution

Oct. 12, 1979
[H.J. Res. 412]

Making continuing appropriations for the fiscal year 1980, and for other purposes.

Continuing appropriations, 1980.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1980, and for other purposes, namely:

SEC. 101. (a)(1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1979 and for which appropriations, funds or other authority would be available in the following appropriation Acts:

Agriculture, Rural Development, and Related Agencies Appropriation Act, 1980;

District of Columbia Appropriation Act, 1980;

22 USC 2412.

22 USC 2680.

Foreign Assistance and Related Programs Appropriations Act, 1980, notwithstanding section 10 of Public Law 91-672, and section 15(a) of the Act entitled, "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended;

Department of the Interior and Related Agencies Appropriation Act, 1980; and

Military Construction Appropriation Act, 1980.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House as of October 1, 1979, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1979, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority.

(4) Whenever an Act listed in this subsection has been passed by only one House as of October 1, 1979, or where an item is included in only one version of an Act as passed by both Houses as of October 1, 1979, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1979: *Provided,* That no provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act of 1979, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in the joint resolution unless such provision shall

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have been included in identical form in such bill as enacted by both the House and the Senate.

(b) Such amounts as may be necessary for continuing projects or activities which were conducted in fiscal year 1979 for which provision was made in the Department of Defense Appropriation Act, 1979, at a rate of operations not in excess of the current rate or the rate provided in the budget estimate, whichever is lower, and under the more restrictive authority.

92 Stat. 1231.

(c) Notwithstanding the provisions of sections 102 and 106 of this joint resolution, such amounts as may be necessary for continuing projects and activities to the extent and in the manner as provided in H.R. 4390, entitled the Legislative Branch Appropriation Act, 1980, as reported June 7, 1979 (except as to executive salaries which are covered subsequently) and such amounts as may be necessary for continuing projects or activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol, to the extent and in the manner which would be provided for in the budget estimates, as amended, for fiscal year 1980.

Executive employees.
5 USC 5318 note.

For the fiscal year 1980, funds available for payment to executive employees, which includes Members of Congress, who under existing law are entitled to approximately 12.9 percent increase in pay, shall not be used to pay any such employee or elected or appointed official any sum in excess of 5.5 percent increase in existing pay and such sum if accepted shall be in lieu of the 12.9 percent due for such fiscal year.

5 USC 5318 note.
5 USC 5301 note.
5 USC 5312 note.

Provided, further, That for the purpose of carrying out this provision and notwithstanding the provisions of the Federal Pay Comparability Act of 1970, the Executive Salary Cost-Of-Living Adjustment Act, or any other related provision of law, which would provide an approximate 12.9 percent increase in pay for certain Federal officials for pay periods beginning on or after October 1, 1979, and notwithstanding section 102 of this joint resolution, the provisions of section 304 of the Legislative Branch Appropriation Act, 1979, which limit the pay for certain Federal offices and positions, shall apply to funds appropriated by this joint resolution or any Act for the fiscal year 1980, except that in applying such limitation the term "at a rate which exceeds by more than 5.5 percent the rate" shall be substituted for the term "at a rate which exceeds the rate" where it appears in subsection (a) of such section for the purpose of limiting pay increases to 5.5 percent.

92 Stat. 788.

Any additional payment under existing law is not to be construed as an increase in salary or emoluments within the meaning of Article I, section 6, clause 2 of the Constitution, except that:

USC prec. title 1.

Judicial appointments, civil action.

(1) Any Member of Congress, whether he voted to confirm or not to confirm the appointment of any judge appointed during the 96th Congress to the United States Court of Appeals for the District of Columbia, or whether he abstained from, or was not present for such vote, may bring a civil action in the United States District Court for the District of Columbia or in any United States District Court in the State he represents to contest the constitutionality of the appointment and continuance in office of said Circuit Judge on the ground that such appointment and continuance in office is in violation of Article I, section 6, clause 2 of the Constitution;

(2) The designated United States District Courts shall have exclusive jurisdiction, without regard to the sum or value of the matter in controversy, to determine the validity of such appointment and continuance in office;

Appeal.

(3) Any action brought under this section shall be heard and determined by a panel of three judges in accordance with the provisions of section 2284 of title 28, United States Code. Any appeal from the action of a court convened pursuant to such section shall lie to the Supreme Court; and

(4) Any judge designated to hear any action brought under this section shall cause such action to be in every way expedited.

For purposes of this subsection, H.R. 4390, as reported June 7, 1979, shall be treated as appropriating $11,000,000 under the headings "OFFICE OF TECHNOLOGY ASSESSMENT," "SALARIES AND EXPENSES"; $200,300,000 under the headings "GENERAL ACCOUNTING OFFICE", "SALARIES AND EXPENSES"; and $50,707,000 under headings "JOINT ITEMS", "OFFICIAL MAIL COSTS".

No funds contained in this section shall be used to remodel the gallery in Statuary Hall in the Capitol into carrels or into any other structure constituting additional office or work space for Members of Congress.

(d) Such amounts as may be necessary for fiscal year 1980 for Department of Energy, Operating Expenses, Energy Supply, Research and Development Activities, to carry out the breeder reactor demonstration project or project alternative approved by Congress in authorizing legislation, and for no other purpose, at the current rate of operations notwithstanding the provisions of sections 102 and 106 of this joint resolution.

(e) Such amounts as may be necessary for continuing the following activities, not otherwise provided for, which were conducted in fiscal year 1979, but at a rate for operations not in excess of the current rate:

42 USC 4951 note.

activities under the Domestic Volunteer Service Act;

42 USC 241.

activities for support of nursing research under section 301 of the Public Health Service Act;

42 USC 241, 242a, 289*l*-1.

activities for support of nursing fellowships and for support of training programs and program support related to alcoholism under sections 301, 303, and 472 of the Public Health Service Act;

42 USC 295g-9, 296, 300d, 300k-1, 300u. 42 USC 300k-1.

activities under section 789 and titles VIII, XII, XV, and XVII of the Public Health Service Act, except that activities under title XV of the Public Health Service Act shall be conducted at not to exceed an annual rate for obligations of $169,717,000;

42 USC 2689c, 2689h.

activities under sections 204 and 213 of the Community Mental Health Centers Act;

21 USC 1171.

activities under title IV of the Drug Abuse Office and Treatment Act;

42 USC 4571, 4585.

activities under titles III and V of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act;

22 USC 2601 note.

activities under section 2 of the Indochina Migration and Refugee Assistance Act;

activities of the National Board for the Promotion of Rifle Practice;

15 USC 57a.

activities of the Federal Trade Commission: *Provided*, That none of the funds made available by this joint resolution for the Federal Trade Commission may be used for the final promulgation of trade regulation rules authorized by section 18 of the Federal Trade Commission Act, as amended, nor to initiate any new activities;

42 USC 3701 note.

activities under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, except that such activities shall be continued at a rate of operations not in excess of appropriations

contained in the Department of Justice Appropriation Act, 1980, for the Office of Justice Assistance, Research, and Statistics; activities of the Economic Development Administration; and activities of the Regional Action Planning Commissions.

(f) Notwithstanding the funding rates provided for in section 101(a), activities of the Department of State for Migration and Refugee Assistance shall be funded at not to exceed an annual rate for obligations of $456,241,000, notwithstanding section 15(a) of the Act entitled, "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended, and section 10 of Public Law 91-672.

22 USC 2680.
22 USC 2412.

(g) Such amounts as may be necessary for projects or activities which were conducted in fiscal year 1979 and for which provision was made in the Department of Transportation and Related Agencies Appropriation Act, 1979, or chapter X of the Supplemental Appropriations Act, 1979, at a rate of operations not in excess of the current rate or the rate provided in the budget estimate, whichever is lower, and under the more restrictive authority: *Provided,* That the Panama Canal Commission is authorized to incur obligations at the rate of operations, and to the extent and in the manner provided for in H.R. 4440 as reported on June 13, 1979, to meet operational and capital requirements of the Panama Canal in conformance with applicable legislation and the Panama Canal Treaty of 1977, notwithstanding the provisions of section 106 of this joint resolution: *Provided further,* That the Interstate Commerce Commission is authorized to incur obligations for payments for directed rail service at the rate of operations and to the extent and manner provided for in H.R. 4440 as passed by the House of Representatives on September 18, 1979.

92 Stat. 435.
Ante, p. 119.

(h) Such amounts as may be necessary for the programs or activities of the Federal Inspector for the Alaska Gas Pipeline, at a rate of operations not in excess of 35 per centum of the fiscal year 1980 budget estimate.

(i) Such amounts as may be necessary for projects or activities provided for in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1980 (H.R. 4394), at a rate of operations, and to the extent and in the manner, provided for in such Act as adopted by the House of Representatives on September 27, 1979, and the Senate on September 28, 1979, notwithstanding the provisions of section 106 of this joint resolution: *Provided,* That those programs in disagreement shall be funded at the lesser of the amounts originally approved by the House or Senate.

(j) Such amounts as may be necessary for projects or activities provided for in the Departments of Labor, and Health, Education, and Welfare and Related Agencies Appropriation Act, 1980 (H.R. 4389), at a rate of operations, and to the extent and in the manner, provided for in such Act as adopted by the House of Representatives on August 2, 1979, except as provided in section 118 of this joint resolution and notwithstanding the provisions of section 106 of this joint resolution.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from October 1, 1979, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) November 20, 1979, whichever first occurs.

Appropriations, conditions of availability.

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 665(d)(2) of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 106. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1979.

SEC. 107. Any appropriation for the fiscal year 1980 required to be apportioned pursuant to section 665 of title 31, United States Code, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each such appropriation shall otherwise be subject to the requirements of section 665 of title 31, United States Code.

SEC. 108. None of the funds available to the Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil in fiscal year 1980 shall be available, except on a voluntary basis, for the acquisition of land or easements at or around the four lake projects in the Yazoo Basin, Mississippi, pending the submission to Congress of a plan for changing the curve by which the flow is regulated in line with the instructions contained on page 60 of the conference report accompanying H.R. 4388 and of alternative solutions for the protection of Coffeeville, Mississippi, and other properties affected by the flood control operation at the project.

SEC. 109. No provision in any appropriation Act for the fiscal year 1980 that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 102(c) of this joint resolution.

SEC. 110. Appropriations and funds made available to the Appalachian Regional Commission, including the Appalachian Regional Development Programs, by this or any other Act shall be used by the Commission in accordance with the provisions of the applicable appropriation Act and pursuant to the Appalachian Regional Development Act of 1965, as amended, notwithstanding the provisions of section 405 of said Act.

SEC. 111. Notwithstanding section 106 or any other provision of this joint resolution—

2 USC 61-1 note.

(a) effective October 1, 1979, the allowance for administrative and clerical assistance of each Senator from the State of Minnesota is increased to that allowed Senators from States having a population of four million but less than five million, the population of said State having exceeded four million inhabitants;

(b) effective October 1, 1979, the allowance for administrative and clerical assistance of each Senator from the State of Texas is increased to that allowed Senators from States having a population of thirteen million but less that fifteen million, the population of said State having exceeded thirteen million inhabitants; 2 USC 61-1 note.

(c) effective with the fiscal year ending September 30, 1980, section 117 of the Second Supplemental Appropriations Act, 1976 (2 U.S.C. 61f-1a), is amended by striking out "$25,000" and inserting in lieu thereof "$92,000"; and

(d) effective October 1, 1979, the Sergeant at Arms and Doorkeeper of the Senate may appoint and fix the compensation of two Photostat operators at not to exceed $12,663 per annum each; six Assistant Mail operators at not to exceed $12,096 per annum each; a Requisition and Receiving Clerk at not to exceed $13,608 per annum; a Maintenance and Rental Clerk at not to exceed $13,608 per annum; a State office Repair Clerk at not to exceed $13,608 per annum; and two Auditors at not to exceed $14,931 per annum each.

Travel expenses.

SEC. 112. During the fiscal year ending on September 30, 1980, the total amount which may be obligated to travel and transportation of persons, and transportation of things, for officers and employees of the executive branch of the Government shall not exceed an amount which is $500,000,000 less than the total amount proposed therefor in the Budget of the United States Government for such fiscal year (as amended and supplemented), transmitted by the President under section 201 of the Budget and Accounting Act, 1921. The Director of the Office of Management and Budget shall allocate the reduction in such proposed total amount among the departments, agencies, and instrumentalities of the executive branch and shall report on such allocation to the Committees on Appropriations of the House of Representatives and the Senate: *Provided,* That in allocating the reduction in such proposed total amount among the departments, agencies, and instrumentalities of the executive branch, no reduction shall be made in funds for debt collection or supervision of loans, nor shall any department, agency or instrumentality be reduced by more than fifteen per centum of the amount proposed for each such department, agency or instrumentality in the Budget of the United States Government for such fiscal year (as amended and supplemented), transmitted by the President under section 201 of the Budget and Accounting Act, 1921.

31 USC 11.
Report to congressional committees.

SEC. 113. Funds available under the Department of Justice Appropriation Act, Fiscal Year 1979 (Public Law 95-431) for support of United States prisoners shall be available as follows: 92 Stat. 1025.

(a) The Attorney General is authorized to use the appropriation "Support of United States Prisoners" to enter into contracts or cooperative agreements to assist the government of any State, territory, or political subdivision thereof, for the necessary physical renovation, and the acquisition of equipment, supplies, services, or materials required to raise the level of conditions of confinement and facility services of any substandard facility which confines Federal detainees.

(b) This section shall apply only insofar as it is not inconsistent with section 4006 of title 18, United States Code.

(c) Authority provided by this section shall be available from September 26, 1979, and all obligations incurred in anticipation of the authority provided in this section are hereby ratified and confirmed if otherwise in conformance with the provisions of this section.

SEC. 114. Notwithstanding the provisions of the paragraph entitled "Capital Outlay" in title II of the District of Columbia Appropriation Act, 1978, providing for the expiration of certain authorizations and the lapse of certain funds for capital outlay projects, the authorization for the capital outlay project involving the construction of phase I of the downtown permanent campus of the University of the District of Columbia located north of Mount Vernon Square and the funds appropriated in connection therewith by the District of Columbia Appropriation Act, 1978, shall, subject to the last proviso of such paragraph, expire on September 30, 1980, unless funds have been obligated in whole or in part prior to such date.

Issuance of certificates.
45 USC 662.

SEC. 115. (a) Section 3(e) of Public Law 91-663 is amended by adding at the end thereof the following: "With respect to a railroad which filed a petition for reorganization during fiscal year 1978, during the period October 1, 1979, through November 30, 1979, certificates shall be issued without regard to the limitations of subsection (a) and with such priority in payment as the Secretary deems appropriate to secure repayment, for the purpose of continuing service on the railroad system at the level in effect on October 1, 1979."

49 USC 1654.

(b) Section 5(h)(2)(A) of Public Law 89-670, as amended, is further amended by striking "but has not yet" and inserting in lieu thereof "or has".

Funds, prohibition.

SEC. 116. None of the funds contained in this Act shall be used for the reorganization of the Alaska Railroad Office of the Chief Counsel, Office of Real Estate or Office of Financial Planning, or for the consolidation of those Offices into the Office of the Alaska Railroad General Manager.

SEC. 117. All obligations incurred in anticipation of the appropriations and authority provided in this joint resolution are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

Abortions.
Funds, prohibition.

SEC. 118. Notwithstanding any other provision of this joint resolution except section 102, none of the Federal funds provided by this joint resolution for the District of Columbia, Foreign Assistance and Related Programs, the Departments of Labor and Health, Education, and Welfare, or the Department of Defense shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service;

Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

Approved October 12, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-500 (Comm. on Appropriations) and No. 96-513 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 125 (1979):

Oct. 9, considered and passed House.

Oct. 10, considered and passed Senate, amended.

Oct. 12, House agreed to conference report, concurred in one Senate amendment and concurred with amendment in another; Senate agreed to conference report and concurred in House amendment.